

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMMANUEL OBIAGWU,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

24 Civ. 7892 (JPC) (GS)

ORDER
OF SERVICE¹

GARY STEIN, United States Magistrate Judge:

In compliance with the Court’s April 2, 2025 Order (Dkt. No. 26) and May 28, 2025 Order (Dkt. No. 28), Plaintiff, proceeding *pro se*, filed his Amended Complaint on May 26, 2025. (Dkt. No. 29). Plaintiff now names thirteen suable Defendants:² (1) The City of New York; (2) New York Presbyterian Hospital; (3) Brian Dobbins; (4) Daniel Silverio; (5) Warren Ritter; (6) Jackson Mazariegos; (7) Kenneth De La Cruz; (8) Justin Jimenez; (9) Samuel Yeboah; (10) Whaner Arias; (11) Yeuri Calderon; (12) D. Fuller; and (13) S. Aguilar Agyemang. Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.³ *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in

¹ This Order reflects the court’s recent memorandum of understanding for electronic service with the New York City Police Department.

² To the extent that Plaintiff’s Amended Complaint is interpreted to name the NYPD and FDNY as Defendants, the Court does not authorize service upon the NYPD or the FDNY because “the NYPD and the FDNY are not suable entities.” *Burke v. Verizon Commun’s, Inc.*, No. 18 Civ. 4496 (PGG), 2019 WL 13146782, at *8 (S.D.N.Y. Mar. 29, 2019); *see* N.Y. City Charter ch. 17, § 396 (“[A]ll actions and proceedings for the recovery of penalties for the violation of any law shall be brought in the name of the city of New York and not in that of any agency, except where otherwise permitted by law.”).

³ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

[IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendants the City of New York, Brian Dobbins, Daniel Silverio, and Warren Ritter, the Clerk of Court is directed to electronically notify the New York City Police Department and the New York City Law Department of this order. The Court requests that Defendants the City of New York, Brian Dobbins, Daniel Silverio, and Warren Ritter waive service of summons.

In addition, to allow Plaintiff to effect service on non-NYPD Defendants who have not yet appeared, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendants Jackson Mazariegos, Kenneth De La Cruz, Justin Jimenez, Samuel Yeboah, Whaner Arias, Yeuri Calderon, D. Fuller, and S. Aguilar Agyemang. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these Defendants. Service addresses are provided below.

If the Amended Complaint (Dkt. No. 29) is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff is reminded that Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

SO ORDERED.

Dated: May 29, 2025
New York, New York



GARY STEIN
United States Magistrate Judge

**SERVICE ADDRESSES FOR DEFENDANTS REQUIRING SERVICE THROUGH U.S.
MARSHALS SERVICE**

1. EMT Jackson Mazariegos, Shield #2286⁴
New York City Fire Department
9 MetroTech Center
Brooklyn, NY 11201
2. EMT Kenneth De La Cruz, Shield# 1556
New York City Fire Department
9 MetroTech Center
Brooklyn, NY 11201
3. Justin Jimenez
NYPH Security Communications Center, Room 031
622 West 168th Street,
New York, NY 10032
4. Samuel Yeboah
NYPH Security Communications Center, Room 031
622 West 168th Street,
New York, NY 10032
5. Whaner Arias
NYPH Security Communications Center, Room 031
622 West 168th Street,
New York, NY 10032
6. Yeuri Calderon
NYPH Security Communications Center, Room 031
622 West 168th Street,
New York, NY 10032
7. D. Fuller
NYPH Security Communications Center, Room 031
622 West 168th Street,
New York, NY 10032
8. S. Aguilar Agyemang
NYPH Security Communications Center, Room 031
622 West 168th Street,
New York, NY 10032

⁴ Service of FDNY employees must be made at the Public Records window of the address provided on Tuesdays or Thursdays between 9:00 a.m. and 2:00 p.m.